

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

Case No. MD-06-0847A

4 **UNEN DU HSU, M.D.**

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

5 Holder of License No. **8373**
6 For the Practice of Allopathic Medicine
 In the State of Arizona.

7
8 **INTERIM CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Medical Board ("Board")
10 and Unen D. Hsu, M.D., ("Respondent") the parties agree to the following disposition of this
11 matter.

12 1. Respondent has read and understands this Interim Consent Agreement and the
13 stipulated Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement").
14 Respondent acknowledges that he understands he has the right to consult with legal counsel
15 regarding this matter.

16 2. By entering into this Interim Consent Agreement, Respondent voluntarily
17 relinquishes any rights to a hearing or judicial review in state or federal court on the matters
18 alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and
19 waives any other cause of action related thereto or arising from said Interim Consent Agreement.

20 3. This Interim Consent Agreement will not become effective until signed by the
21 Executive Director.

22 4. All admissions made by Respondent are solely for interim disposition of this matter
23 and any subsequent related administrative proceedings or civil litigation involving the Board and
24 Respondent. Therefore, said admissions by Respondent are not intended or made for any other
25

1 use, such as in the context of another state or federal government regulatory agency proceeding,
2 civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

3 5. Respondent may not make any modifications to the document. Upon signing this
4 agreement, and returning this document (or a copy thereof) to the Executive Director, Respondent
5 may not revoke acceptance of the Interim Consent Agreement. Any modifications to this Interim
6 Consent Agreement are ineffective and void unless mutually approved by the parties.

7 6. This Interim Consent Agreement, once approved and signed, is a public record that
8 will be publicly disseminated as a formal action of the Board and will be reported to the National
9 Practitioner Databank and on the Board's website.

10 7. If any part of the Interim Consent Agreement is later declared void or otherwise
11 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in
12 force and effect.

13
14 
15 _____
16 Unen D. Hsu, M.D.

Dated: 10/26/06

FINDINGS OF FACT

1 1. The Board is the duly constituted authority for the regulation and control of the
2 practice of allopathic medicine in the State of Arizona.

3 2. Respondent is the holder of License No. 8373 for the practice of allopathic
4 medicine in the State of Arizona.

5 3. On October 23, 2006 the Board received a complaint involving Respondent's care
6 and treatment of a twenty-nine year-old female patient ("HM") alleging Respondent had been
7 treating HM for two years during which time she has had a problem with substance abuse; over
8 the last three months HM had been treated three times for overdose of benzodiazepines and was
9 admitted to the hospital on October 4, 2006 after taking approximately thirty Xanax in three hours;
10 on October 19, 2006 after being released against medical advice HM took a taxi to Respondent's
11 office where he gave her several prescriptions; and on October 21, 2006 HM was taken to the
12 hospital after taking ninety Ativan and 300 mg of methadone prescribed by Respondent.

13 4. On October 26, 2006 Respondent presented for an interview with Board Medical
14 Consultants and Board Staff. Respondent admitted to prescribing methadone to HM for treatment
15 of heroin addiction and to writing prescriptions for "chronic pain" because he knew the pharmacy
16 would not fill them if they were written for treatment of addiction. Respondent also admitted to
17 prescribing benzodiazepine to HM for problems of anxiety and depression. Respondent also
18 reported HM was discharged from the hospital this morning after an overdose and has already
19 called his office and paged him requesting methadone. Respondent told Board Staff whether he
20 prescribes methadone for her depends on what he is told by Board Staff today.

21 5. Based on the information in the Board's possession there is evidence that if
22 Respondent were to prescribe scheduled substances he would present an imminent danger to
23 HM and other patients receiving these substances.
24
25

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The Executive Director may enter into a consent agreement with a physician if
5 there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25); A.A.C. R4-
6 16-504.

7 ORDER

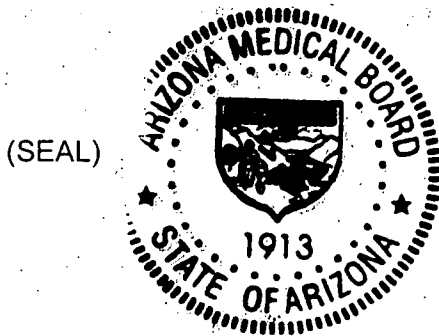
8 IT IS HEREBY AGREED THAT:

9 1. Respondent shall not prescribe scheduled substances.

10 2. Respondent must timely and appropriately refer patients seeking and/or needing
11 scheduled substances to other licensed medical professionals in good standing with the
12 applicable regulatory board and must make his patient records available to his patients and any
13 physician who requests a record.

14 3. This is an interim order and not a final decision by the Board regarding the pending
15 investigative file and as such is subject to further consideration by the Board.

16 DATED AND EFFECTIVE this 26th day of October, 2006.



ARIZONA MEDICAL BOARD

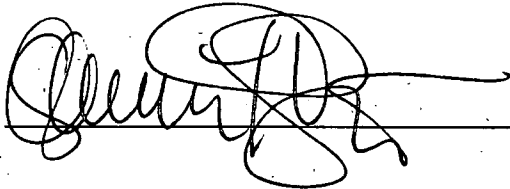
20
21 By Timothy C. Miller
22 for TIMOTHY C. MILLER, J.D.
Executive Director

23 ORIGINAL of the foregoing filed this
24 26th day of October, 2006 with:

25 The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing
2 Hand-delivered this 24 day of October,
3 2006 to:

4 Unen Du Hsu, M.D.

5 
6 _____